FILED
SEP - 1 1942
M. E. LEWIS, CLERK
By [illegible] Deputy Clerk.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

v.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

COMPLAINT FOR DIVORCE.

Now comes the plaintiff, Emily Hall Spreckels, through her attorneys, Schauer, Ryon & McMahon, and complains of the defendant, and for cause of action alleges:

-I-

That continuously for more than fifteen years next preceding the commencement of this action plaintiff has been, and now is, a bona fide resident of the State of California, and has been for said period, and now is, a bona fide resident of the County of Santa Barbara, State of California.

-II-

That plaintiff and defendant intermarried on the 10th day of August, 1939, in the City of Reno, State of Nevada, and ever since have been and now are husband and wife.

That plaintiff and defendant separated on or about the 25th day of August, 1940, and ever since that time, and up to and including the time of the filing of this action, have been and now are living separate and apart. That the time elapsing from the date of said marriage to the date of said final separation

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of the parties hereto was one year and fifteen days.

That plaintiff and defendant have no children as the issue of said marriage.

-III-

That from and since the month of October, 1939, defendant has with regularity from time to time indulged excessively in the use of alcoholic beverages and has at numerous times throughout the married life of the said parties intimidated your said plaintiff while defendant was under the influence of said beverages and has used physical force upon her person, cruelly injuring her. That a specific instance of said course of conduct occurred at the Coronado Hotel in San Diego County, California, on or about the 15th day of March, 1940, while plaintiff and defendant were registered there with defendant's minor child and the child's nurse; that at said time and place, although he had promised to refrain from so doing, defendant, over plaintiff's objection, and against her remonstrances, indulged heavily in the use of alcoholic liquor, and upon her suggestion that he go to bed, defendant knocked her down and beat her, and cruelly injured her, both about the head and face and elsewhere, causing both of her eyes to become blackened, her left arm badly wrenched, her right wrist injured, her nose broken, and her tongue and mouth badly lacerated, to such an extent that as a direct result thereof, plaintiff required the services of physicians and surgeons for a number of days thereafter.

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That continuously at irregular intervals thereafter, said defendant indulged in a course of conduct placing plaintiff in great physical fear, and again on the eve of their wedding anniversary party, namely on the 8th day of August, 1940, while plaintiff and defendant were at their mutual home at 535 Hot Springs Road, Santa Barbara, California, said defendant, without reason or cause, attacked said plaintiff and cruelly beat her.

That your said plaintiff, Emily Hall Spreckels, is an American girl, born of old American stock. That the said defendant, Adolph B. Spreckels, has from the time of the marriage of the said parties hereto, consorted with, entertained, and chosen as his closest friends and associates individuals openly sympathetic with, or employed by, the present Nazi Government of Germany; that throughout the married life of said plaintiff and defendant, and against the ever increasing objections of your said plaintiff, defendant has insisted that said persons be entertained by plaintiff in her home and in public, and that defendant has consistently and regularly, both privately and publicly, proclaimed his admiration for and his espousal of the present Nazi regime, and has indulged, both publicly and privately, in demonstrations of his beliefs in said cause and regime.

That a specific example of such course of conduct occurred in the City of New York on or about the 20th day of January,1940, at Luchow's, one of the largest and best known German-American restaurants in the City of New York; that upon the evening of said day plaintiff and defendant visited said restaurant for dinner and that said defendant did at said time and place, over the objections of the said plaintiff, and in the presence of the large public patronage of said restaurant, place in a prominent position on the table a Nazi flag. That the customers in said

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restaurant showed their disapproval by hissing. That the management thereupon requested that the flag be removed from the table, and upon defendant's refusing so to do, requested that plaintiff and defendant leave the restaurant. Thereupon plaintiff and defendant departed amid the hisses of the other diners.

That plaintiff remonstrated with your said defendant and pointed out that such continued course of the espousal of the Nazi cause, either publicly or privately, would result in public disapproval, and result in their being avoided and scorned by a great many of their former friends and acquaintances. That notwithstanding plaintiff's continued warnings and objections, and knowing that such sympathy for the Nazi cause was repugnant to the said plaintiff's principles and ideals, defendant continued to publicly and privately exhibit his sympathy for the said Nazi cause, both in New York and in California. That defendant's said course of conduct in espousing the said Nazi cause, both publicly and privately, has without any fault upon the part of your said plaintiff, caused your plaintiff to be grievously humiliated and embarrassed, and to be shunned and avoided as un-American by many of her former friends and acquaintances, and has caused said plaintiff to be publicly insulted and embarrassed.

That all of the foregoing acts and conduct of the defendant herein heretofore alleged have been committed without the consent, and against the will, of plaintiff, and without any cause, reason or provocation therefor whatsoever, and that the said foregoing acts and conduct of said defendant, as aforesaid, have resulted in wrongfully inflicting upon your said plaintiff grievous mental suffering and grievous bodily injury, and have constituted extreme cruelty on the part of said defendant against the plaintiff.



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-IV-

That defendant is a man of great wealth and is the owner of large amounts of property which yield him a large annual income; that your plaintiff does not know the amount of said wealth but is informed and believes, and upon said information and belief alleges, defendant to be worth in excess of two million five hundred thousand ($2,500,000.00) dollars; that plaintiff does not know the exact income of defendant, but is informed and believes, and therefore alleges, it to be in excess of one hundred and fifty thousand ($150,000.00) dollars per year. That during the married life of said plaintiff and defendant they have mutually enjoyed a standard of living commensurate with said wealth, and plaintiff is informed and believes, and therefore alleges, that the sums spent to make up said standard of living are in excess of seventy thousand ($70,000.00) dollars per year.

That the plaintiff does not have income sufficient to maintain herself in the style and condition and in accordance with the standard of life of the said parties during the marriage of the said parties hereto, and to pay the necessary and needed expenses for counsel and costs in the within proceeding. That in accordance with the said standard of living of the said parties during their married life as alleged aforesaid, the sum of two thousand five hundred ($2,500.00) dollars per month is a reasonable sum to be allowed to your plaintiff for her temporary support and maintenance pending the hearing and decision of the Court in the within matter, and as permanent support and maintenance thereafter.

FOR PLAINTIFF'S OTHER AND SECOND AND SEPARATE CAUSE OF ACTION, PLAINTIFF ALLEGES:

-I-

That continuously for more than fifteen years next preceding

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the commencement of this action plaintiff has been, and now is, a bona fide resident of the State of California, and has been for said period, and now is, a bona fide resident of the County of Santa Barbara, State of California.

-II-

That plaintiff and defendant intermarried on the 10th day of August, 1939, in the City of Reno, State of Nevada, and ever since have been and now are husband and wife.

That plaintiff and defendant separated on or about the 25th day of August, 1940, and ever since that time, and up to and including the time of the filing of this action, have been and now are living separate and apart. That the time elapsing from the date of said marriage to the date of said final separation of the parties hereto was one year and fifteen days.

That plaintiff and defendant have no children as the issue of said marriage.

-III-

That from and since the month of October, 1939, to the said 25th day of August, 1940, the defendant above named has treated plaintiff with great and extreme mental and physical cruelty; that said conduct on the part of said defendant has been committed without the consent of and against the will of the plaintiff, and without any cause, reason or provocation therefor; that said conduct of defendant has caused plaintiff great and grievous bodily injury, pain and suffering and has caused plaintiff great and extreme humiliation, embarrassment and mental suffering and anguish.

-IV-

That defendant is a man of great wealth and is the owner of large amounts of property which yield him a large annual income; that your plaintiff does not know the amount of said wealth but is informed and believes, and upon said information

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and belief alleges, defendant to be worth in excess of two million five hundred thousand ($2,500,000.00) dollars; that plaintiff does not know the exact income of defendant, but is informed and believes, and therefore alleges, it to be in excess of one hundred and fifty thousand ($150,000.00) dollars per year. That during the married life of said plaintiff and defendant they have mutually enjoyed a standard of living commensurate with said wealth, and plaintiff is informed and believes, and therefore alleges, that the sums spent to make up said standard of living are in excess of seventy thousand ($70,000.00) dollars per year.

That the plaintiff does not have income sufficient to maintain herself in the style and condition and in accordance with the standard of life of the said parties during the marriage of the said parties hereto, and to pay the necessary and needed expenses for counsel and costs in the within proceeding. That in accordance with the said standard of living of the said parties during their married life as alleged aforesaid, the sum of two thousand five hundred ($2,500.00) dollars per month is a reasonable sum to be allowed to your plaintiff for her temporary support and maintenance pending the hearing and decision of the Court in the within matter, and as permanent support and maintenance thereafter.

WHEREFORE, this plaintiff prays this Court as follows:

That this Court issue its order to show cause, directed to the defendant, to appear before it at a time to be set by said court ordering and directing your defendant to show cause why this Court should not award to the plaintiff the sum of Two Thousand Five Hundred ($2,500.00) Dollars per month to be paid by the said defendant to the said plaintiff by way of temporary support and maintenance pending the hearing of the within matter



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and the Court's decision herein on the merits and ordering him to show cause, if any he has, at such time as the Court may direct, why he, the said defendant, should not be ordered and directed to pay to the said plaintiff such sum as the Court may set at the time of said hearing by way of counsel fees and by way of cost money, subject to such additional allowances by way of counsel fees and costs as to the Court may seem from time to time fitting and proper, and

For an Interlocutory Decree of Divorce declaring the plaintiff is entitled to a divorce from the defendant on the ground of extreme cruelty, and that when one year shall have expired after the entry of such Interlocutory Judgment, a final decree of divorce be given and made and caused to be entered herein granting plaintiff a divorce from the bonds of matrimony existing between the plaintiff and defendant, and

That in said Interlocutory and said final decree the above-entitled Court allow to plaintiff and order to be paid by defendant to plaintiff the sum of Two Thousand Five Hundred Dollars ($2,500.00) per month by way of alimony and support and maintenance, and

That the said Court give to said plaintiff such further, other and additional relief as shall seem meet and equitable in the premises.

Schauer Ryon & McMahon
by Harriet Ryon
Attorneys for Plaintiff

STATE OF CALIFORNIA }
COUNTY OF SANTA BARBARA } ss.

EMILY HALL SPRECKELS, being first duly sworn, deposes and says: That she is the plaintiff in the above entitled and foregoing complaint; that she has read the foregoing complaint and knows the contents thereof; that the same is true of her own knowledge, except as to the matters which are therein stated on her information and belief, and as to those matters that she believes it to be true.

Emily Hall Spreckels

Subscribed and sworn to before me this 6th day of September, 1940.

Mabel Reynolds
NOTARY PUBLIC
In and for the County of Santa Barbara, State of California

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26 EAST CARRILLO ST.
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FILED
SEP 14 1940
J. E. [illegible] CLERK
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

STIPULATION EXTENDING TIME

IT IS HEREBY STIPULATED by and between counsel for the respective parties hereto that the defendant Adolph B. Spreckels may have to and including the 23rd day of September, 1940, in which to demur, move, answer or otherwise plead to the complaint in the above entitled matter.

Dated: September 14, 1940.

[signature]
Attorneys for Plaintiff

[signature]
Attorneys for Defendant.

FILED
SEP 19 1940
J. E. [illegible] CLERK
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

STIPULATION EXTENDING TIME

IT IS HEREBY STIPULATED by and between counsel for the respective parties hereto that the defendant Adolph B. Spreckels may have to and including the 3rd day of October, 1940, in which to demur, move, answer or otherwise plead to the complaint in the above entitled matter.

DATED: September 18, 1940.

Schumm Ray & McMahon
Attorneys for Plaintiff

Heaney Price Postel & Parma
Attorneys for Defendant.

HEANEY, PRICE, POSTEL & PARMA
SANTA BARBARA, CALIF.

ORIGINAL

IN THE

# Superior Court of the State of California

IN AND FOR THE

# County of Santa Barbara

No. 32073

EMILY HALL SPRECKELS,

Plaintiff

vs.

ADOLPH B. SPRECKELS,

Defendant

Filed SEP 23 1940, 194...

J. E. LEWIS, *Clerk.*

By Ina O. Attochad *Deputy Clerk.*

Action brought in the Superior Court of the County of Santa Barbara, State of California, and the Complaint filed in the office of the Clerk of said County of Santa Barbara.

SCHAUER, RYON & McMAHON

Attorneys for Plaintiff

## The People of the State of California Send Greetings to:

ADOLPH B. SPRECKELS,

*Defendant*

**You Are Hereby Directed to Appear** and answer the Complaint in an action entitled as above, brought against you in the Superior Court of the County of Santa Barbara, State of California, within ten days after the service on you of this Summons—if served within this County, or within thirty days if served elsewhere.

And you are hereby notified that unless you appear and answer as above required, the said Plaintiff will take judgment for any money or damages demanded in the Complaint, as arising upon contract, or..plaintiff will apply to the Court for any other relief demanded in the Complaint.

Given under my hand and seal of the Superior Court of the County of Santa Barbara, State of California, this 6th day of September A. D. 1940

J. E. LEWIS, *Clerk.*

By M. C. Cunningham *Deputy Clerk.*

COUNTY FORM 146-1-40-2M

OFFICE OF THE SHERIFF,
OF THE COUNTY OF SANTA BARBARA. }

I Hereby Certify that I received the within Summons on the 6th day of September, A. D., 1940, and personally served the same on the 6th day of September, A. D. 1940, on Adolph B. Spreckels, he

Being the defendant named in said Summons, by delivering to Adolph B. Spreckels,

said defendant personally in the County of Santa Barbara,

a copy of said Summons attached to a copy of the complaint in the action therein mentioned.

Dated this 6th day of September, 1940.

JAMES ROSS, Sheriff

By John Longacre Deputy Sheriff

SHERIFF'S OFFICE
RECEIVED
SEP - 6 1940
AT 4 O'CLOCK P. M.
Santa Barbara Co., California

FILED
SEP 30 1940
J. E. [illegible], CLERK
By [illegible] Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

STIPULATION FOR TAKING OF DEPOSITION AND ISSUANCE OF SUBPOENA

It is hereby stipulated by the above named defendant, Adolph B. Spreckels, by and through his counsel of record in the above entitled action, Heaney, Price, Postel & Parma, that the deposition of said defendant may be taken in said matter by the above named plaintiff, Emily Hall Spreckels, by and through her attorneys of record herein, Schauer, Ryon & McMahon, at the hour of 9:30 A.M. of the 2nd day of October, 1940, before Mabel Reynolds, a Notary Public, at 26 East Carrillo Street, Santa Barbara, California.

It is further stipulated that the formal requirements of the taking of said deposition are hereby waived, including the service and filing of notice of time and place of taking said deposition and affidavit showing case to be within the provisions of Section 2021 of the Code of Civil Procedure, it being hereby stipulated that the said Adolph B. Spreckels is the defendant in this action and that he has been duly served with process in said action.

It is further stipulated that a subpoena may issue out of the above entitled court in the above entitled action directing

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SANTA BARBARA, CALIF.

said defendant to be and appear before the above named Mabel Reynolds, a Notary Public, at the time and place above set forth.

It is further stipulated that said deposition, when so taken, may be used on trial of the above entitled action, subject to the same objections, save as to the form of the interrogatories, as if the said witness were present and testifying therein.

Dated this 30th day of September, 1940.

Heaney Price Porter & Parma

Attorneys for Defendant, Adolph B. Spreckels.

SCHAUER, RYON & McMAHON
ATTORNEYS AT LAW
25 EAST CARRILLO ST.
SANTA BARBARA, CALIF.

FILED
Sep 30, 1940
J. E. [illegible] CLERK
[illegible] Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

O R D E R

Upon reading and filing the attached Stipulation for taking of deposition and issuance of subpoena, and good cause therefor appearing, it is hereby ORDERED that a subpoena be issued by the Clerk of the above entitled Court in the above entitled matter directing the above named defendant, Adolph B. Spreckels, to be and appear before Mabel Reynolds, a Notary Public, at 26 East Carrillo Street, Santa Barbara, California, at the hour of 9:30 A.M. of Wednesday, the 2nd day of October, 1940, and testify by deposition in behalf of the above named plaintiff, Emily Hall Spreckels.

Dated this 30th day of September, 1940.

Judge of the Superior Court

SCHAUER, RYON & McMAHON
ATTORNEYS AT LAW
26 EAST CARRILLO ST.
SANTA BARBARA, CALIF.

FILED
OCT 11 1940
[illegible], CLERK
By [illegible] Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

DEMURRER

Now comes the defendant, Adolph B. Spreckels, by his attorneys and demurs to the complaint on file herein, and as ground of demurrer alleges:

I.

That said complaint does not state facts sufficient to constitute a cause of action against said defendant.

II.

That the first alleged cause of action in said complaint contained does not state facts sufficient to constitute a cause of action against said defendant.

III.

That the second alleged cause of action in said complaint contained does not state facts sufficient to constitute a cause of action against said defendant.

IV.

That said complaint is ambiguous in the following particulars, to-wit:

1. That it does not appear from paragraph III of the second alleged cause of action, nor from said cause of action,

[illegible], PERRY, POSTEL & PERRY
SANTA BARBARA, CALIF.

how or in what manner the defendant above named has treated plaintiff with great or extreme mental or physical cruelty or any mental or physical cruelty whatsoever.

2. That it does not appear from said paragraph III of the second alleged cause of action, nor from said cause of action, what conduct upon the part of said defendant it is alleged has been committed without the consent of and against the will of the plaintiff, nor what conduct has been committed without any cause, reason or provocation therefor.

3. That it does not appear from said paragraph III of the second alleged cause of action, nor from said cause of action, what conduct on the part of the defendant has caused plaintiff great and grievous bodily injury, pain and suffering or any pain or any suffering, or has caused plaintiff great and extreme or any humiliation, embarrassment or mental suffering or anguish.

V.

That said complaint is unintelligible and uncertain in the same respects and to the same extent in which it is heretofore alleged to be ambiguous.

WHEREFORE, defendant prays that plaintiff take nothing by her said action, but that the same be dismissed and the defendant sent hence with his costs and such other relief as to the court may seem meet.

Dated: This 11th day of October, 1940.

Kearney Price Postel & Parma
Attorneys for said defendant.



KEARNEY, PRICE, POSTEL & PARMA
SANTA BARBARA, CALIF.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

POINTS AND AUTHORITIES ON DEMURRER

I.

General demurrer lies when the complaint fails to state a cause of action.

C. C. P. 430, subdivision 6

Callahan v. Broderick, 124 Cal. 80

Dixon v. Cardozo, 106 Cal. 506

Bell v. Hudson, 73 Cal. 285

26 Cal. Jur. Page 106

II.

The complaint is subject to special demurrer for ambiguity, uncertainty and unintelligibility.

C. C. P. 430,431, Subdivisions 7, 8, 9

Colton v. Onderdonk, 69 Cal. 155

Kraner v. Halsey, 82 Cal. 209

Hawley Bros. Co. v. Brownstone, 123 Cal. 643

Jones v. Iverson, 131 Cal. 101

Whitehead v. Sweet, 126 Cal. 67

Respectfully submitted,

Heaney Price Postel & Parma

Attorneys for said defendant.

HEANEY, PRICE, POSTEL & PARMA
SANTA BARBARA, CALIF.

Service of the within DEMURRER and POINTS AND AUTHORITIES ON DEMURRER, by receipt of a copy thereof, is hereby admitted this 11th day of October, 1940.

Schaues Ryon & McMahon
Attorneys for Plaintiff.